

## 8-hour ozone transition guidance

### Summary:

On June 10, 2005, Secretary McDaniel issued an emergency rule necessary to address two of the most immediate aspects of 8-hour ozone NAAQS implementation: 1) the revision of LAC 33:III.711 to replace the 1-hour primary ambient air quality standard with the 8-hour standard; and 2) the revision of nonattainment new source review provisions for parishes that were reclassified from **severe** under the 1-hour standard to **marginal** under the 8-hour standard (Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge). The emergency rule became effective on June 15, 2005.

### Background:

On April 30, 2004, EPA enacted 8-hour ozone NAAQS classifications, effective June 15, 2004 (69 FR 23858). In order to transition from the existing 1-hour standard to the new 8-hour standard, EPA adopted a rule for implementation of the 8-hour ozone NAAQS – the “Phase 1 Implementation Rule” – on April 30, 2004 (69 FR 23951). The Phase 1 Implementation Rule revoked the 1-hour standard in full, including the associated designations and classifications, effective June 15, 2005.

Litigation by a number of stakeholders pending in the United States Court of Appeals for the District of Columbia Circuit challenged various aspects of the Phase 1 Implementation Rule, resulting in EPA’s agreement to reconsider several portions of the rule through renewed notice and public comment. EPA recently made final decisions on reconsideration (70 FR 30592, May 26, 2005), thus clearing the way for effectiveness of the rule. As a result, Louisiana is required to adopt the 8-hour revised standard and measures to implement such standard.

Because Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge Parishes are still in nonattainment and because EPA has not yet developed guidance for NNSR under the 8-hour standard, the Department, via the emergency rule, adopted measures to ensure that the aforementioned parishes continue to make progress toward compliance with NAAQS. The attainment date for the Baton Rouge area under the 8-hour standard is June 15, 2007.

### NNSR changes:

If a facility’s potential to emit VOC or NO<sub>x</sub> is greater than or equal to **50** TPY, but less than **100** TPY, then:

- Submittal of a netting analysis is required for any project that would increase emissions of VOC or NO<sub>x</sub> by **25** tons per year or more, without regard to any project decreases. Previously, a netting analysis was required if increases, without considering decreases, totaled 5 TPY or more.
- A new netting threshold has been added for HRVOC. Submittal of a netting analysis is required for any project that would increase emissions of HRVOC by **10** tons per year or more, without regard to any project decreases.
- If the net emissions increase is greater than or equal to **25** TPY, then
  - Offsets are required at a ratio is **1.20 to 1**, but
  - LAER and the other provisions of §504 are not applicable.

In the absence of this rule, NNSR would not apply to such sources. Per Table 1 of §504, the major source threshold for marginal nonattainment areas is 100 TPY.

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- Submittal of a netting analysis is required for any project that would increase emissions of VOC or NO<sub>x</sub> by **25** tons per year or more, without regard to any project decreases. Previously, a netting analysis was required if increases, without considering decreases, totaled 5 TPY or more.

- A new netting threshold has been added for HRVOC. Submittal of a netting analysis is required for any project that would increase emissions of HRVOC by **10** tons per year or more, without regard to any project decreases.
- If the net emissions increase is greater than or equal to **25** TPY, but less than **40** TPY, then
  - Offsets are required at a ratio is **1.20 to 1**, but
  - LAER and the other provisions of §504 are not applicable. Note, per Table 1 of §504, the major modification significant net increase value for marginal nonattainment areas is 40 TPY.

**OR**

If the net emissions increase is greater than or equal to **40** TPY, then

- Offsets are required at a ratio is **1.20 to 1** (not 1.10 to 1 as per Table 1), and
- LAER and the other provisions of §504 are applicable. Note there is no longer an option to avoid LAER by applying internal offsets at an increased ratio.

**LAC 33:III.504.H:**

H. Notwithstanding the parish's nonattainment status with respect to the 8-hour National Ambient Air Quality Standard (NAAQS) for ozone, the provisions of this subsection shall apply to sources located in the following parishes: Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge.

1. For an existing stationary source with a potential to emit of 50 tons per year or more of VOC or NO<sub>x</sub>, consideration of the net emissions increase will be triggered for any project:

- a. that would increase emissions of VOC or NO<sub>x</sub> by 25 tons per year or more, without regard to any project decreases,
- b. that would increase emissions of Highly Reactive VOC listed below by 10 tons per year or more, without regard to any project decreases.

- i. acetaldehyde;
- ii. 1,3-butadiene;
- iii. butenes (all isomers);
- iv. ethylene;
- v. propylene;
- vi. toluene;
- vii. xylene (all isomers);
- viii. isoprene;

2. The following sources shall provide offsets for any net emissions increase:

a. A new stationary source with a potential to emit of 50 tons per year or more of VOC or NO<sub>x</sub>.

b. An existing stationary source with a potential to emit of 50 tons per year or more of VOC or NO<sub>x</sub> with a significant net emissions increase of VOC, including HRVOC, or NO<sub>x</sub> of 25 tons per year or more.

3. The minimum offset ratio for an offset required by Paragraph H.2 of this Section shall be 1.2 to 1.

4. This subsection shall become effective June 15, 2005.